ACTS

OF

INCORPORATION

AND THE

BY-LAWS AND ORDERS

OF THE

Massachusetts Medical Society.

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May 1925

MASSACHUSETTS MEDICAL SOCIETY

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AND THE

BY-LAWS AND ORDERS

OF THE

Massachusetts Medical Society.

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ACTS OF INCORPORATION.

COMMONWEALTH OF MASSACHUSETTS.

IN THE YEAR OF OUR LORD 1781.

AN ACT

To incorporate certain Physicians, by the name of "The Massachusetts Medical Society."

As health is essentially necessary to the happiness of society, and as its preservation or recovery is closely connected with the knowledge of the animal economy, and of the properties and effects of medicines; and as the benefit of Medical Institutions, formed on liberal principles, and encouraged by the patronage of the law, is universally acknowledged, —

1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Nathaniel Walker Appleton, William Baylies, Benjamin Curtis, Samuel Danforth, Aaron Dexter, Shirley Erving, John Frink, Joseph Gardner, Samuel Holten, Edward Augustus Holyoke, Ebenezer Hunt, Charles Jarvis, Thomas Kast, Giles Crouch Kellogg, John Lynn, James Lloyd, Joseph Orne, James Pecker, Oliver Prescott, Charles Pynchon, Isaac Rand, Isaac Rand, jun., Mi-

cajah Sawyer, John Sprague, Charles Stockbridge, John Barnard Swett, Cotton Tufts, John Warren, Thomas Welsh, Joseph Whipple, and William Whiting, be, and they hereby are, formed into, constituted, and made a body politic and corporate, by the name of "THE MASSACHUSETTS MEDICAL SOCIETY;" and that they and their successors, and such other persons as shall be elected in the manner hereafter mentioned, shall be and continue a body politic and corporate, by the same name, for ever.

2. *And be it enacted by the authority aforesaid*, That the Fellows of said Society may, from time to time, elect a President, Vice-President, and Secretary, with other officers, as they shall judge necessary and convenient; and they, the Fellows of said Society, shall have full power and authority, from time to time, to determine and establish the names, number, and duty of their several officers, and the tenure or estate they shall respectively have in their offices; and also to authorize and empower their President, or some other officer, to administer such oaths to such officers as they, the Fellows of said Society, shall appoint and determine for the well ordering and good government of said Society, provided the same be not repugnant to the laws of this Commonwealth.

3. *And be it enacted by the authority aforesaid*, That the Fellows of said Society shall have one common seal, and power to break, change, and renew the same at their pleasure.

4. *And be it enacted by the authority aforesaid*, That they, the Fellows of said Society, may sue and be sued

in all actions, real, personal, or mixed, and prosecute and defend the same unto final judgment and execution, by the name of "The Massachusetts Medical Society."

5. *And be it enacted by the authority aforesaid*, That the Fellows of said Society may, from time to time, elect such persons to be Fellows thereof as they shall judge proper; and that they, the Fellows of said Society, shall have power to suspend, expel, or disfranchise any Fellows of said Society.

6. *And be it enacted by the authority aforesaid*, That the Fellows of said Society shall have full power and authority to make and enact such Rules and By-laws, for the better government of said Society, as are not repugnant to the laws of this Commonwealth; and to annex reasonable fines and penalties to the breach of them, not exceeding the sum of twenty pounds, to be sued for and recovered by said Society, and to their own use, in any Court of Record within this Commonwealth proper to try the same; and also to establish the time and manner of convening the Fellows of said Society; and also to determine the number of Fellows that shall be present to constitute a meeting of said Society; and also, that the number of said Society, who are inhabitants of this Commonwealth, shall not, at any one time, be more than seventy, nor less than ten; and that their meetings shall be held in the town of Boston, or such other place within this Commonwealth as a majority of the members present, in a legal meeting, shall judge most fit and convenient.

And whereas it is clearly of importance that a just

discrimination should be made between such as are duly educated and properly qualified for the duties of their profession, and those who may ignorantly and wickedly administer medicine, whereby the health and lives of many valuable individuals may be endangered, or perhaps lost to the community, —

7. *Be it therefore enacted by the authority aforesaid,* That the President and Fellows of said Society, or such other of their Officers or Fellows as they shall appoint, shall have full power and authority to examine all candidates for the practice of physic and surgery (who shall offer themselves for examination) respecting their skill in their profession; and if, upon such examination, the said candidates shall be found skilled in their profession, and fitted for the practice of it, they shall receive the approbation of the Society, in letters testimonial of such examination, under the seal of the said Society, signed by the President, or such other person or persons as shall be appointed for that purpose.*

8. *And be it further enacted by the authority aforesaid,* That if the said President, and such other person or persons, so elected and appointed for the purpose of examining candidates as aforesaid, shall obstinately refuse to examine any candidate so offering himself for examination as aforesaid, each and every such person, so elected and appointed as aforesaid, shall be subject to a fine of one hundred pounds, to be recovered by the said candidate, and to his own use, in any Court within this Commonwealth proper to try the same.†

* See Act passed in 1803. † Repealed in the Act of 1789.

9. *And be it further enacted by the authority aforesaid*, That the Fellows of said Society may, and shall for ever, be deemed capable in law of having, holding, and taking in fee simple, or any less estate by gift, grant, or devise, or otherwise, any land, tenement, or other estate, real or personal; *provided* that the annual income of the whole real estate that may be given, granted, or devised to, or purchased by, the said Society, shall not exceed the sum of two hundred pounds, and the annual income or interest of said personal estate shall not exceed the sum of six hundred pounds; all the sums mentioned in this act to be valued in silver at six shillings and eightpence per ounce; and the annual income or interest of the said real and personal estate, together with the fines and penalties paid to said Society, or recovered by them, shall be appropriated to such purposes as are consistent with the end and design of the institution of said Society, and as the Fellows thereof shall determine.

10. *And be it further enacted*, That the first meeting of the said Medical Society shall be held in some convenient place in the town of Boston; and that Edward Augustus Holyoke, Esq. be, and he hereby is, authorized and directed to fix the time for holding the said meeting, and to notify the same to the Fellows of said Medical Society.

[This Act passed November 1, 1781.]

AN ACT

In addition to an Act, passed in the year of our Lord one thousand seven hundred and eighty-one, entitled "An Act to incorporate certain Physicians, by the name of the Massachusetts Medical Society."

WHEREAS some doubts have arisen with respect to the extent of the powers given to, and duties required of, the said Society, by the Act to which this is in addition, touching the examination of any candidates for the practice of physic and surgery, "who shall offer themselves therefor, respecting their skill in their profession," as well as with respect to the authority of the said Society, to demand and receive a suitable compensation for their time, trouble, and expense, in examining candidates, and for the letters testimonial, which, by the said Act, they are required to give to such as shall be approbated, —

For removing the said doubts,

1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall be the duty of the said Massachusetts Medical Society, in order more effectually to answer the designs of their institution, from time to time to describe and point out such a medical instruction, or education, as they shall judge requisite for candidates for the practice of physic and surgery, previous to their examination before them, or their officers appointed for said purpose, respecting their skill in their profession, and shall cause the same to be published in three newspapers, in three different

counties within this Commonwealth; and every candidate, examined and approved by the President and Fellows of the said Society, or such of their Officers or Fellows as they shall appoint, shall be held to pay such reasonable fees of office as shall be established by the said Society, for the examination of candidates, and letters testimonial in favor of such as shall be approbated; and the Treasurer of the said Society, for the time being, shall have full power and authority to sue for and recover the same, in any Court proper to try the same.

2. *And be it further enacted*, That the eighth enacting clause of the said incorporating Act, making the President, or such other person or persons as shall be elected for the purpose of examining candidates, each and every of them, subject to a fine of one hundred pounds, in case of obstinate refusal to examine any candidate offering himself therefor, be, and it is hereby, repealed.

3. *And be it further enacted*, That from and after passing this Act, whenever the officers appointed for examining candidates for the practice of physic and surgery shall obstinately and unreasonably refuse to examine such as may apply therefor, respecting their skill in their profession, the officers so refusing shall be subject to a fine not exceeding one hundred pounds, nor less than twenty pounds, to be sued for and recovered by the candidate injured, and to his own use, in any Court within this Commonwealth, proper to try the same.

[This Act passed February 10, 1789.]

AN ACT

In addition to an Act, entitled "An Act to incorporate certain Physicians by the name of the Massachusetts Medical Society."

WHEREAS the Act, entitled "An Act to incorporate certain Physicians by the name of the Massachusetts Medical Society," has been found, in its operation, insufficient to effect the important and desirable purposes for which it was designed, —

1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Fellows, for the time being, of the said Massachusetts Medical Society, in any meeting or meetings, to be called and holden for the purpose, before the next annual meeting, shall have authority to elect into that Corporation, and to be Fellows thereof, such and so many suitable persons, being physicians or surgeons resident within this Commonwealth, as they shall see fit; any thing in the Act, to which this is in addition, to the contrary notwithstanding. *Provided*, That all persons so elected shall, within one year after such election, subscribe the By-laws of the said Society, or otherwise declare, in writing, their assent thereto; or such election shall be void.

2. *And be it further enacted*, That at the next annual meeting of the Fellows of said Society, and afterwards at every annual meeting thereof, there shall be chosen by ballot, in which any absent member may vote by his proxy, duly authorized in writing, so many

Counsellors as the said Society shall, from time to time, judge necessary and expedient, who shall hold their offices for the year next ensuing their election, and until another election of Counsellors in their place; and the Fellows, at their annual meetings, whenever such a number shall be present as the regulations of the Society may require, may revise, alter, enlarge, and repeal the By-laws of the said Society, as the major part of the Fellows present may see fit, and not otherwise.

3. *And be it further enacted*, That the Counsellors of the said Corporation, and their successors after them, shall assemble and convene, three times in the year, at such times and places as the By-laws of the said Corporation shall hereafter direct. *Provided*, That the first meeting be within thirty days after the annual meeting of the said Society; and the said Counsellors shall assemble and convene at any other time, as the By-laws of the said Corporation shall hereafter direct, and whenever notified to convene by their presiding officer; and the meeting of the said Counsellors shall be held in the town of Boston, or as near thereto as may be; and at the said first meeting of the Counsellors, after the annual meeting of the said Society, the said Counsellors shall proceed to appoint, from among themselves, a President, and such other officers of the said Corporation as are and shall be required in the Rules and By-laws thereof to be so appointed; likewise five Examiners or Censors, for the examination of all persons, who, having been students in medicine and surgery, agreeably to the regulations of the said

Society, shall offer themselves to be approved and licensed, as practising physicians and surgeons; and the said Counsellors, at any of the three stated meetings of the same, and only at these meetings, and after three months' nomination of every candidate, and not otherwise, by a major vote of those present, may elect any suitable person or persons to be a Fellow or Fellows of the said Society. *Provided*, That all practising physicians and surgeons, resident within this Commonwealth, who shall be so elected, shall, within one year after such election, subscribe the By-laws of the said Society, or otherwise declare, in writing, their assent to the same; or such election shall be void. And all persons, not practising physicians or surgeons, or not resident within this Commonwealth, who shall be so elected, may be deemed honorary members of the said Society; and, at any meeting of the said Counsellors, they may fill any vacant office, and perform any other duties, as the By-laws of the said Corporation shall direct.

4. *And be it further enacted*, That, for the purpose of examining candidates as aforesaid, three, at least, of the Examiners or Censors, who shall be appointed as aforesaid, shall be convened in the town of Boston, on the Thursday next preceding the annual meetings of the said Society, and at such other times and places as the By-laws of the said Society shall direct; and every candidate, who, upon examination, shall be approved by a majority of the said Examiners, shall be entitled to letters testimonial of their approbation, and of their license, to such candidate, to become a practi-

tioner in medicine or surgery, under the hands of the Examiners consenting thereto; and to such letters testimonial the seal of the said Corporation shall be affixed by the President or Secretary, if any there shall be, with the signature of the same; and every person who shall receive the said letters testimonial, and such also as hereafter may be admitted to the degree of Bachelor of Medicine at Harvard University,* shall be entitled to the use of the libraries of the Society, under such restrictions as the Counsellors may direct; and after three years' approved practice in medicine and surgery,† and being of good moral character, and not otherwise, shall, upon application, and subscribing the By-laws as aforesaid, be admitted a member of the said Corporation, while a resident practitioner of medicine or surgery within this Commonwealth.

5. *And be it further enacted*, That the said Counsellors, upon the application of any five members of the said Society, may establish, within such districts and portions of this Commonwealth as they shall think expedient, subordinate Societies and meetings, to consist of the Fellows of the said Corporation residing within such districts respectively, wherein the communication of cases and experiments may be made, and the diffusion of knowledge in medicine and surgery may be encouraged and promoted; and the Counsel-

* The Counsellors of the Massachusetts Medical Society consider the provisions of the act of 1803, relating to Bachelor of Medicine, at Harvard University, as applying also to Doctor of Medicine, as that degree is now substituted for the degree of Bachelor conferred at that time.

† Repealed in Act passed 1831.

lors aforesaid, upon application from such subordinate Societies, may appoint five Examiners or Censors, within such districts, who shall be authorized and empowered to examine such candidates for the practice of physic and surgery as shall present themselves for such examination. And every candidate, who, upon examination, shall be approved by a majority of the Examiners or Censors aforesaid, shall be entitled to letters testimonial, in the same manner as is provided in the fourth section of this Act. And the members of such subordinate Societies shall be holden to report to the Counsellors of the general Society all such cases as may be selected for their importance and utility; and the said subordinate Societies shall be subject to the regulations of the general Society, in all matters wherein the general Society shall be concerned; and the said subordinate Societies may appoint their own officers, and establish regulations for their particular government, not repugnant to the By-laws of the general Society; and shall be capable to purchase, and receive by donation, books, philosophical and chirurgical instruments, or other personal property, and may hold and dispose of the same, exclusive of any authority of the general Society.

6. *And be it further enacted*, That all matters and clauses, contained in the Act aforesaid, to incorporate certain physicians by the name of the Massachusetts Medical Society, which are contrary to the purview of this Act, shall be, and they hereby are, repealed.*

* By referring to the Act of 1850, it will be seen that many changes have been made in the organization as proposed by this Act.

7. *And be it further enacted*, That the Fellows of the said Corporation shall not be liable to be enrolled or mustered in the militia of this Commonwealth.

[This Act passed March 8, 1803.]

AN ACT

In an addition to an Act, entitled "An Act in addition to an Act, entitled 'An Act to incorporate certain Physicians by the name of the Massachusetts Medical Society.'"

SECTION 1. — *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the fourth section of an Act, passed on the eighth day of March, in the year of our Lord one thousand eight hundred and three, entitled "An Act in addition to an Act, entitled 'An Act to incorporate certain Physicians by the name of the Massachusetts Medical Society,'" as requires that those who are authorized to claim admission into said Society shall have first passed at least three years in approved practice of medicine and surgery, and so much of the same section as entitles licentiates of the said Society and Bachelors of Medicine at Harvard University to the use of the libraries of the Society, be, and the same are hereby, repealed; the residue of the said section remaining in full force.

Section 2. — *Be it further enacted*, That the Treasurer, for the time being, of the said Massachusetts Medical Society is hereby authorized to sue in the name of the said Society, in an action of debt, before any Court proper to try the issue, for such sums of money as may hereafter become due to said Society from any person being, or who has heretofore been, or who shall hereafter become a Fellow thereof, for the annual or other assessments of said Society, or for penalties accruing under and by virtue of the By-laws and votes of said Society, by declaring generally, against the defendant, as indebted to said Society for the penalty accruing from the breach of any By-law thereof, or for a sum becoming due by virtue of any legal vote of said Society (as the case may be), setting forth the substance only of such By-law or vote; and the said Society shall thereupon recover judgment for so much debt or damage as they shall prove to be due, and no more.

[This Act passed March 19, 1831.]

REVISED STATUTES.

SECTION 2. — The Counsellors of said Society, at their first meeting in every year, after the annual meeting of the Society, shall appoint not less than twenty Censors or Examiners from among the Fellows of said Society, to wit: five in each of the districts mentioned in the following sections; and the five in each of said districts, respectively, shall constitute a separate Board of Censors.

SECTION 3. — For the purpose aforesaid, the State shall be divided into four districts, to be entitled, respectively, the First, Second, Third, and Fourth Medical Districts; and the First Medical District shall include the counties of Suffolk, Essex, Middlesex, Norfolk, Bristol, Plymouth, Barnstable, Duke's County, and Nantucket; the Second District shall include the county of Worcester; the Third District shall include the counties of Franklin, Hampden, and Hampshire; and the Fourth District shall include the county of Berkshire.* The meetings of the Censors shall be held in these districts, respectively, in such places and at such stated periods as the Counsellors of the Society may direct; and the said Counsellors shall be authorized to subdivide or alter any of the said districts, and to make new districts and appoint Censors therein, whenever the public good may seem to require it.

* These were modified by the arrangements for districting the State in 1850. See "BY-LAWS," article on "Districts."

Section 4. — The said Censors, at their stated meetings in each of the said districts, shall examine all who shall offer themselves to be approved as practising physicians or surgeons, who have received such an education as is, or may be from time to time, prescribed by the regulations of said Society, and who are duly qualified as candidates for such examination ; and every candidate who shall be approved by the Censors shall be entitled to letters testimonial, under their hands, of their approbation and of their license to practise physic or surgery, or both ; which letters shall also be sealed with the seal of the Society, and shall be signed by the President and Secretary thereof.

Section 5. — If the said Censors shall unreasonably refuse to examine any person who is duly qualified for such examination, they shall severally forfeit a sum not exceeding four hundred dollars, to be recovered by such candidate to his own use.

Section 6. — No person shall be entitled to his letters of license, until he shall pay such reasonable fees as shall be established by the Society to be paid for such examination and letters of license.

Section 7. — When any person who has been educated to the practice of physic or surgery, in any place out of this State, and who has come into this State to pursue the same, shall present himself to either of the said Boards of Censors as a candidate for their approbation or license, if they are satisfied that he has received an education equivalent to that prescribed by the regulations which have been or may be established by said Society, and that he has been duly examined

and approved by some competent authority, they may license him to practise physic or surgery, or both, as the case may be, without subjecting him to a new examination.*

Section 8. — Every person who has been licensed to practise physic or surgery, since the year one thousand eight hundred and eighteen, or who shall hereafter be so licensed, shall deposit a copy of his license with the Clerk of the town in which such Licentiate may reside; and the said Clerk shall file in his office such copy attested by him, with his certificate thereon of the time when the same was so deposited; for which he shall receive from the Licentiate the sum of fifty cents.

Section 9. — Any physician or surgeon, duly qualified according to the law of this Commonwealth, or any medical student, under the authority of any such physician, may have in his possession human dead bodies, or the parts thereof, for the purpose of anatomical inquiry or instruction.

* By a vote of the Counsellors, passed in May, 1850, an examination must hereafter be made of all applicants who have been educated without the precincts of the State. See note, page 22.

COMMONWEALTH OF MASSACHUSETTS.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY.

AN ACT

In addition to the several Acts in relation to the Massachusetts Medical Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: —

Section 1. — Each of the District Societies into which the Massachusetts Medical Society has been or may be divided, may elect annually, by ballot, from among its members, the Counsellors and Censors, to which, by the By-laws of the Society, it may be entitled. And such Counsellors and Censors shall hold their respective offices for the year next ensuing, and until others have been elected in their places.

Section 2. — The annual meeting of the Society may be held in such one of the principal towns or cities of the Commonwealth as the Society or the Counsellors shall, from year to year, determine; and the first stated or annual meeting of the Counsellors shall be held in the same place, and within thirty days, before or after said annual meeting, as the Society shall in their By-laws direct.

Section 3. — The Massachusetts Medical Society is hereby authorized to use the annual income of their permanent fund to defray their current expenses.

Section 4. — All Acts and parts of Acts inconsistent herewith are hereby repealed.

[This Act passed February 18, 1850.]

BY-LAWS

OF THE

MASSACHUSETTS MEDICAL SOCIETY,

AS FINALLY ADOPTED AT ITS ANNUAL MEETING,

MAY 29, 1850;

AND WHICH WILL GO INTO OPERATION, AUG. 1, 1850.

MEETINGS.

I. A meeting of the Fellows of this Society shall be held on the last Wednesday in May annually, at 10 o'clock, A.M. in such one of the principal towns or cities of the Commonwealth as the Counsellors shall, from year to year, determine; and at such place, in said city or town, as the Anniversary Chairman shall appoint. Ten members shall constitute a quorum.

II. Any Fellow of the Society, or Counsellor, absent from any meeting at which he is entitled to vote, may, in all cases, vote by his proxy, duly authorized in writing; provided that no Fellow shall be represented by any other than a Fellow, and no Counsellor by any other than a Counsellor, who shall, in either case, be an inhabitant of the same district; and no Fellow or Counsellor shall at any time represent the votes of more than eight others.

MEMBERSHIP.

III. Any person having been graduated as Doctor of Medicine at Harvard University, or at the Berkshire Medical Institution, may become a Fellow of the Society, by signing the By-laws in the custody of the Recording Secretary, or of the Secretary of any one of the District Societies. Any one who has been graduated as Doctor of Medicine at any other University, College, or Medical School, the course of study at which is fully equal to that prescribed by this Society, shall be admitted a Fellow, on furnishing satisfactory evidence* to this effect to any Board of Censors, and signing the By-laws as above mentioned; and any person not having been graduated as Doctor of Medicine may sign the By-laws, and be admitted a Fellow, on passing a satisfactory examination, before a Board of Censors, in the several branches hereafter specified, and possessing the following qualifications, viz.: —

He shall be a person of sound mind, and of good moral character; shall be not less than twenty-one years of age; shall have such an acquaintance with the Latin language as is necessary for a good medical and surgical education; and shall have acquired the

* By the vote of the Counsellors, May 30, 1850, it will be necessary hereafter to interpret the words "satisfactory evidence" as follows: "In all cases hereafter in which persons apply for admission to the Society," who have not received a diploma from some medical institution in the State, "the Censors should satisfy themselves, by examining such applicants, that they have pursued a course of study fully equal to that prescribed by this Society, and complied with all its requirements in relation to admission; and without such examination they should not be admitted to Fellowship."

principles of geometry and experimental philosophy.* He shall have studied three full years under the direction, and shall have attended the practice, of some respectable physician or physicians; during which time he shall have attended two full courses on anatomy, physiology, chemistry, materia medica, midwifery, and the theory and practice of medicine and surgery.

IV. Candidates shall be examined, at any stated meeting of Censors, in each and all the branches mentioned in Article III. of the By-laws, except that, if the candidate be a graduate as Bachelor or Master in Arts at any University, he need not be examined in the Latin language, or in the principles of geometry and experimental philosophy; and, if his examination be satisfactory to the major part of the Censors present, he shall be admitted a Fellow. But, if his examination be not satisfactory, he shall not be re-examined by any Board of Censors in less than six months.

V. Any respectable practitioner of medicine or surgery, who shall have been in practice not less than fifteen years, may be admitted a Fellow, previously to the year 1852, by the District Society where he re-

* It is understood that he be able to translate the select Orations of Cicero, the Æneid of Virgil, or the medical writings of Celsus, and the formulæ of the Pharmacopœia of the United States; and that he have a knowledge of Euclid's, Pierce's, or Loomis's Elements of Geometry; also of Golding Bird's or Olmstead's Natural Philosophy, or the Cambridge course of Physics.

sides, by a vote of two-thirds of the members present at any stated meeting.

VI. Candidates for election as honorary members of the Society shall be nominated to the Counsellors, at a stated meeting, by one or more of the Fellows, and shall remain on nomination until the next stated meeting. The Counsellors shall, at every stated meeting, examine and act upon the list of nominations, if any such there be.

VII. Every Fellow shall be entitled to a diploma, in the following form: —

Societas Medica Massachusettensis.

Omnibus ad quos hæc pervenerint salutem.

Quum Reipublicæ Massachusettensis summa auctoritas Societati Medicæ Massachusettensi jus et privilegium concessit, ut medicinæ cultores, qui artem suam fideliter ediscendo, vel recte exercitando, famam honestam consecuti sunt; illos eligerent et sibi Socios adjungerent: Notum esto, quod his propositis exsequendis, Consiliarii Societatis Medicæ Massachusettensis Socium acceperunt in oppido comitatu*
habitantem, virum vitæ integerrimum, artisque medendi peritissimum, qui suis et auxilio et decori semper fuit; et quem omnibus honoribus et privilegiis Societatis dignissimum judicaverunt.

Quorum in testimonium, sigillum Societatis affigendum dedi, nomenque meum apposui, Bostoniæ, die mensis annoque salutis humanæ, millesimo octingentesimo et

PRÆSES.

Attestante, *à Secretis.*

* This diploma may be used for Fellows or Honorary Members, if they are physicians. If the candidate be a resident of another State, the word *comitatu* may be readily altered to *civitate.*

VIII. No Fellow shall withdraw himself from the Society, or resign his Fellowship, while a practitioner of medicine or surgery within this Commonwealth, without the permission of the Counsellors, who may give this permission to any Fellow who applies for the same, and gives satisfactory reasons in writing.

IX. Resignation of Fellowship may be permitted in the following cases, viz.: —

1. When the applicant has discontinued altogether his practice as physician or surgeon, or has removed out of the Commonwealth.

2. When the applicant states that his health has been such as to prevent his engaging in his professional pursuits for a year or more; and he has not a reasonable prospect of being able to resume them.

Any person who has resigned Fellowship may, on application in writing, be restored to his Fellowship, by the vote of the Counsellors at any stated meeting.

Any Fellow removing out of the State shall have liberty to retain his Fellowship, on paying his assessment.

X. Those Fellows who have arrived at the age of sixty years, and have notified the Treasurer of the Society of the same in writing, having paid all their assessments, or having been excused from the same, may become retired members. They shall be entitled to all the privileges of the Fellows, and shall conform to all the requirements of the Society, and be

subject to all its penalties, except that they shall not be liable to assessments, and shall not be bound to accept any office in the Society.

XI. Any Fellow may be expelled from the Society, or, having resigned his Fellowship, may be deprived of his privileges, by a vote of two-thirds of the Fellows present at any annual meeting, upon charges of the following description; provided the charge or charges against him have first been considered by the Counsellors, and are brought forward by them, or have been made before the Society at a preceding annual meeting; and provided an opportunity has been given to lay before the Society a refutation of the charge or charges so made, or a defence of his conduct in the premises, viz.: —

1. For any gross and notorious immorality or infamous crime under the laws of the land.

2. For any attempt to overturn or destroy the Society.

3. For the breach of any By-laws of the Society, for which expulsion is made the penalty.

4. For furnishing to any person, or presenting in his own behalf, a false certificate of character and studies as a student of medicine, tending to deceive the public, or the Censors of this Society.

XII. Any person engaged in the practice of medicine or surgery in this Commonwealth, who has not received such a medical education as is required by By-law III., and any one who shall be guilty of

practices forbidden to Fellows, shall be deemed an irregular practitioner; and it shall be unlawful for any Fellow to advise or consult with any such irregular practitioner, or in any way to abet or assist him as a practitioner of medicine or surgery. For any breach of this law, a Fellow of this Society shall be disqualified for one year from giving his vote at any meeting of the Society, or of the District Society of which he may be a member. He shall also be liable to the censure and reprimand of the Counsellors, and, in aggravated cases, to expulsion.

XIII. Any person who shall publicly advertise for sale, or otherwise offer to the public, any medicine, the composition of which he keeps a secret, or offer to cure any disease by any such secret medicine, shall be considered an irregular practitioner; and, if a Fellow of this Society, shall be liable to expulsion, or to such other penalty as the Society, at their annual meeting, may think proper to inflict.

XIV. Every Fellow of the Society shall be assessed annually two dollars.

COUNSELLORS.

XV. The Counsellors shall be chosen by the District Societies, at least one week before the annual meeting of the Society; each District Society choosing, from among the Fellows residing in that district, as

nearly as may be in the proportion of one Counsellor to every eight Fellows; and at least one Counsellor shall be elected from each county.

XVI. There shall be three stated meetings of the Counsellors annually. The first, which shall be the annual meeting, shall be on the day preceding the annual meeting of the Society, and in the same city or town at which the meeting of the Society is to be held. The second meeting shall be on the first Wednesday in October, and the third on the first Wednesday of February, in the city of Boston, at such time and place as the President shall appoint. Notice of each meeting shall be given in two public papers* printed in the city of Boston; notice of the annual meeting shall also be given in some paper printed within the district in which the meeting is to be held, at least fourteen days previously, in each instance.

XVII. The President shall call a special meeting of the Counsellors, whenever he shall deem it expedient, or whenever five of the Counsellors may request it in writing. The same notice shall be given of a special meeting as is required for a stated meeting; except that, in any peculiar case not admitting of delay, the President, with the consent of five Counsellors, may call a special meeting of the Counsellors at such notice as the circumstances may permit.

* By a vote of the Counsellors passed Oct. 3, 1849, the Secretary was further required to publish, if possible, in some medical journal printed in Boston, and to send notices of each meeting to all the Counsellors in the State.

XVIII. Any meeting of the Counsellors may be continued by adjournment; and, in all meetings of the Counsellors, nine shall be present to constitute a quorum for the transaction of business; but a smaller number may adjourn the meeting.

XIX. At the annual meeting of the Counsellors, there shall be chosen, by ballot, the following officers of the Society; viz. a President, Vice-President, Corresponding Secretary, Recording Secretary, Treasurer, and Librarian; and all officers so chosen, also the Counsellors chosen by the District Societies, shall hold their respective offices until others are chosen in their stead. They shall also designate, by vote, in what city or town within the Commonwealth the anniversary of the Society, for the next calendar year, shall be held; and shall choose, from among the Fellows of the Society, an Anniversary Chairman, whose duty it shall be to act as Chairman of the Committee of Arrangements for the anniversary, and to preside at the annual dinner for that year. In case of the non-acceptance, death, or absence of the Anniversary Chairman, it shall be the duty of the President of the Society, with the Committee of Arrangements for the anniversary, to appoint another in his stead.

XX. The Counsellors, at their first stated meeting, shall appoint some Fellow to deliver a discourse on some subject connected with medical science, at the annual meeting of the Society on the next year; and, in case the person thus appointed shall decline the

service, the President, with five Counsellors, may appoint another. A copy of every such discourse shall be deposited with the Corresponding Secretary, within three months after it has been delivered.

DUTIES OF OFFICERS.

XXI. The President shall call all meetings of the Society and of the Counsellors, and shall preside at the same. In case of the absence or other disability of the President, his duties shall in all instances devolve on the Vice-President, and, in the absence of both the President and Vice-President, on the senior President of a District Society present, or on such Chairman as the Counsellors may appoint; and the presiding officer shall perform such other duties as shall be assigned to him.

XXII. The Corresponding Secretary shall have the charge and custody of all letters and communications transmitted to the Society or to the Counsellors; and to him they should be addressed. He shall prepare and transmit whatever communications the Society or the Counsellors may direct. He may cause letters or communications, written in any foreign language, to be translated into English. He shall report, at each stated meeting of the Counsellors, the names of all persons who have become Fellows since the preceding stated meeting. On or before the first of May annually, he shall transmit to the Treasurer of the

Society a correct list of all who have become Fellows of the Society during the year; and he shall perform such other duties as may be assigned to him.

XXIII. The Recording Secretary shall keep the seal of the Society; and he shall have charge and custody of the records of the Society and of the Counsellors, and of all papers directed by them to be kept on his files. He shall give notice of and attend the meetings of the Society and of the Counsellors; keep a fair record of their proceedings respectively; and read, at the meetings of the Society, all such communications as the Counsellors may direct to be made. He shall receive and record the nominations of candidates as honorary members, and lay them before the Counsellors at each stated meeting. He shall notify the Chairman of every Committee appointed by the Society or Counsellors of his appointment, in each case stating the commission and the names of the Committee; and he shall perform such other duties as may be assigned to him.

XXIV. If, at any meeting of the Society or the Counsellors, one of the Secretaries be absent, and the other present, the latter shall perform the services of both, so far as may be; but, as soon as possible, he shall arrange, and deliver over to the absent Secretary, the papers belonging to his department, with a copy of records or orders, as the case may be.

XXV. The records of the Society and of the Coun-

sellors shall be produced at every anniversary meeting of the Society, and placed by the Secretary in some convenient place for the inspection of such of the Fellows as are desirous of consulting them; and, at all other times, it shall be the duty of the several Secretaries to grant every reasonable indulgence to every Fellow of the Society who may wish to examine the records.

XXVI. The Treasurer shall give security for the trust reposed in him, whenever the Counsellors shall judge it to be requisite, and the funds of the Society will admit of a compensation for his services. He shall demand and receive all money due to the Society, together with all bequests and donations. He shall, if necessary, sue for all fines and assessments due to the Society. He shall, under the direction of the Counsellors, sell or lease any estate belonging to the Society, and execute the necessary papers. He shall, in general, have the care and management of the fiscal concerns of the Society, and keep an accurate statement of all receipts and expenditures. He shall pay no money out of the treasury, without a written order from the President. He shall subject his accounts to such examination as the Counsellors may order; he shall annually make a statement of his doings, and of the state of the funds in his hands, to the Society. He shall, in the first week of May, annually, transmit to the Treasurer of each District Society a list of all assessments which will be due from the members of said District Society on the last

Wednesday of said month, with authority to collect the same, and shall charge the same to him. And he shall perform such other duties as may be assigned to him.

XXVII. The Librarian shall have in his custody and charge the books, museum, instruments, and apparatus of the Society. He shall keep an accurate register of the same, and arrange them in a proper manner; and shall make such disposal of them, from time to time, as the Counsellors may direct for the benefit of the Fellows. He shall make an annual statement of the business of his department to a Committee, who shall report the same to the Counsellors; and he shall carefully record all donations made, in his department, to the Society. He shall distribute the publications of the Society in such manner as the Counsellors may direct; and he shall perform such other duties as may be assigned him.

XXVIII. Any officer of the Society may, for sufficient reasons, resign his office, or may be removed therefrom, by order of the Counsellors, for neglect, inattention, or misconduct; in either of which cases, or on the death of any officer, the Counsellors shall supply the office vacated, as soon as may be convenient.

DISTRICT SOCIETIES.

XXIX. The Commonwealth shall be divided by the Counsellors into medical districts, which may be

from time to time subdivided or altered as circumstances may require. A District Medical Society shall be formed in each medical district.

XXX. In every District Medical Society, there shall be annually elected a President, who shall be, *ex officio*, a Vice-President of the Society; a Secretary, Treasurer, not less than three nor more than five Censors for the examination and admission of members in that district, a Librarian, and such other officers as such Society may see fit.

XXXI. District Societies may make their own regulations, provided they are not incompatible with the By-laws of the General Society.

XXXII. The Secretary of each District Society shall, previously to each stated meeting of the Counsellors, furnish the Recording Secretary of the Society with the names of all those who have become Fellows in his district not already reported.

XXXIII. The Treasurer of each District Society shall collect the assessments within his district as soon as may be. He shall, on or before the first day of February, make a full return to the Treasurer of the Society, of all the assessments charged on his list, with the condition of each, whether paid or unpaid; and transmit the amount collected by him, after deducting five per cent to be retained by him for his services. And such return and remittance shall be a

full discharge of the demand created by the charge required in By-law XXVI. In case any district Treasurer shall neglect to make his return as herein provided, he shall be liable to be proceeded against, according to law, for the whole amount of assessments charged to him on his list, provided the same do not exceed the sum which this Society is authorized by the charter to fix as a penalty for a breach of its By-laws; and, if it should exceed that sum, he may be proceeded against for that sum only, in addition to the amount actually received by him.

THE CENSORS.

XXXIV. The Censors for the Suffolk Medical District Society shall officiate for that district, and for the Society at large.

XXXV. The Censors shall hold their meetings for the admission of members as follows, viz.: The Censors of the Society and of the Suffolk District, in Boston, on the Thursday next preceding the annual meeting of the Society, and on the last Wednesday in January and July. The Censors of the other medical districts shall hold their meetings at such time and place within the district as the several District Societies shall appoint. At these meetings, three Censors shall constitute a quorum, and the senior Censor shall preside. Likewise, these meetings may, any of them, be continued by adjournment; and, if there be not

three Censors present, no vote shall be taken, except on the question of adjournment.

XXXVI. Every Censor who shall neglect or refuse to attend any meeting, for the examination of candidates, of the Board of Censors to which he belongs, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of ten dollars to the Secretary of the Board, who shall transmit it to the Treasurer of the Society.

XXXVII. The expenses incurred by any Censor, while attending a meeting of the Board to which he belongs, shall, upon demand within one year after such a meeting, be paid by the Treasurer of this Society, provided that not more than two dollars be paid to any Censor for each day's attendance, and provided that the meeting be not held in the town where he resides.

XXXVIII. It shall be the duty of every Board of Censors to appoint, at their first meeting, a Secretary from their own body. The duty of every Secretary so appointed shall be to keep a faithful record of the meetings and transactions of the Board, and to give immediate notice to the Corresponding Secretary of the organization of such Board. He shall also keep a book, with the form of subscription, for the signature of those becoming members within his district; and, at the termination of the year for which he has been appointed, he shall transmit to the Correspond-

ing Secretary a true copy of the records he may have made, in order that the same may be laid before the Counsellors.

XXXIX. The meetings of the Censors shall be notified in the manner following, viz.: —

The Secretary of each Board shall publicly advertise in two newspapers, within the medical district to which he belongs, the time and place of each meeting of that Board, one month at least before the day of such meeting. This duty will devolve on the person last appointed as Secretary of the Censors in each district, although the meeting to take place may be that of a Board elected for the ensuing year, and although he be not a member of that new Board.

ALTERATION OF BY-LAWS.

XL. All proposals for alteration of the By-laws shall be stated in writing. No alteration proposed by a Fellow shall be acted upon until it is referred to the Counsellors, and presented anew by them.

FORM OF SUBSCRIPTION.

The Subscribers agree to comply with the By-laws of the Massachusetts Medical Society.

RULES AND ORDERS

OF

THE SOCIETY.

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1. At the annual meeting of the Fellows, the following order shall be observed in the transaction of business: —

1*st*, The proceedings of the last annual meeting shall be read by the Recording Secretary, who shall also lay before the Society the records of the transactions of the Counsellors in the year preceding, and shall report the names of those who have become Fellows or honorary members of this Society during that time.

2*d*, Reports of Committees shall be called for by the presiding officer.

3*d*, Attention shall be given to any proposals for alterations in the By-laws by the Counsellors, or by any Fellow of the Society.

4*th*, Attention shall be given to any scientific communications which the Counsellors, or any Fellow of the Society, may present.

5*th*, Any propositions or suggestions, which may be thought conducive to the welfare of the Society, or to the general interests of medical science, may be brought forward by any Fellow. Upon such propositions or

suggestions, the Society shall decide by vote whether to engage in the consideration of the same.

6*th*, The President shall call upon the person appointed to deliver the annual discourse, at one o'clock, P.M.; and, if the other business be not concluded at that time, it shall be suspended until the discourse shall have been delivered.

2. On the day of the annual meeting, a dinner shall be provided, at the expense of the Society, under the direction of the Anniversary Chairman, and the Committee appointed for that purpose.

3. An invitation to the dinner may be given to such professional strangers as the President of the Society, or Anniversary Chairman, shall think proper to notice in this manner.

4. When any Fellow shall speak in a debate, he shall rise, and address himself to the presiding officer.

5. If a Fellow has spoken once in a debate, he shall not speak to the prevention of another, who has not spoken, and manifests a desire to speak.

6. A Fellow shall not interrupt another while speaking, unless to call him to order, or to correct a mistake.

7. A Fellow shall not speak on any subject after the question is put.

8. A motion shall not be considered unless seconded.

9. A Fellow shall not nominate more than one person for the same Committee, provided the first person nominated by him be chosen.

10. A vote shall not be re-considered, at the same

meeting, by a smaller number than were present at its passing.

11. Literary gentlemen, interested in medical science, and students in medicine, shall be publicly invited to hear the annual discourse.

12. All printed publications shall be in octavo.

RULES AND ORDERS

OF

THE COUNSELLORS.

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1. A publication shall be issued annually, under the direction of the Committee on Publications, as early as may be after the annual meeting; and shall be distributed by the Librarian to each Fellow and retired member, and to the honorary members of the Society, by mail, or through the medium of the District Societies. Such publications shall contain the annual discourse, unless otherwise directed by the Society or the Counsellors, and such other medical communications as the Society or the Counsellors may authorize to be published; and, in an appendix, an abstract of the proceedings of the Society and of the Counsellors, comprising the record of all their transactions, excepting only such as are of a private or personal nature; a list of the officers of the Society, and of each District Society; and a list of those who have become Fellows or honorary members, and of those who have resigned Fellowship during the preceding year.*

2. There may be also annually prepared, and distributed to those who have paid their dues for the

* By a vote of the Counsellors passed May 30, 1850, the Committee were directed to publish annually a list of all the Fellows of the Society, and likewise the names of all Counsellors present at each meeting of the Board.

corresponding year, under the direction of the Counsellors, and at the expense of the Society, a Retrospect of the Medical Literature and Science of the preceding year, having reference especially to discoveries and improvements of practical value.

3. At a meeting of the Counsellors, all nominations of Committees shall be made by the President, unless otherwise ordered.

4. At the annual meeting of the Counsellors, three standing Committees shall be elected, viz.: The Committee on Publications, the Committee on Resignations, and the Committee of Arrangements for the anniversary.

5. At the third stated meeting of the Counsellors, there shall be chosen a Committee to examine the Treasurer's accounts, on the week preceding the annual meeting, and a Committee to examine the library and cabinet; both of which Committees shall make their reports to the Counsellors at their annual meeting.

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